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In re Application of	:
Wendell, B. COLSON et al	:
Application No.: 09/869,941	:
PCT No.: PCT/US00/00571	:
Int. Filing Date: 10 January 2000	:
Priority Date: 12 January 1999	:
Attorney's Docket No.: 4686/00004	:
For: Nonwoven Fabric and Method and Apparatus	:
for Manufacturing Same	:

DECISION ON  
PETITION UNDER  
37 CFR 1.137(b)

This is in response to the "Petition For Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 C.F.R. § 1.137(b)" filed on 06 September 2001.

### BACKGROUND

On 10 January 2000, this international application was filed, claiming an earliest priority date of 12 January 1999.

On 09 August 2000, a Demand electing the United States was filed in this international application. Accordingly, the deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 12 July 2001. This international application became abandoned with respect to the United States at midnight on 12 July 2001 for failure pay the basic national fee.

On 09 July 2001, applicant filed a Transmittal letter (Form PTO-1390) for entry into the national stage in the United States but no basic national fee and oath were included.

On 30 August 2001, the United States Designated/Elected Office mailed a Notification of Abandonment (Form PCT/DO/EO/909) indicating that applicant has failed to provide the full U.S. Basic National Fee by 30 months.

On 06 September 2001, applicant filed in the United States Patent and Trademark Office (PTO) the instant petition, which was accompanied by, *inter alia*, the U.S. basic national fee but no executed declaration was included.

### **DISCUSSION**

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3) and, (4) under 37 CFR 1.137(b).

Lastly, petitioner is being charged \$4,442.00 and the \$1,240.00 petition fee to the Deposit Account 19-0733 as authorized in the transmittal letter.

### **DECISION**

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371 and for issuing a PCT/EO/DO/ form 905(Notification of missing requirements) to inform applicant that an executed Declaration or Oath is missing.



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